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SCSL-04-15-T  
(26082-26083)

26082

SPECIAL COURT FOR SIERRA LEONE  
TRIAL CHAMBER I

Before: Hon. Justice Benjamin Mutanga Itoe, Presiding  
Hon. Justice Bankole Thompson  
Hon. Justice Pierre Boutet

Registrar: Mr. Herman von Hebel

Date filed: 22 May 2008

THE PROSECUTOR

against

ISSA HASSAN SESAY  
MORRIS KALLON  
AUGUSTINE GBAO

Case No. SCSL-2004-15-T

PUBLIC

GBAO AND SESAY- REPLY TO PROSECUTION RESPONSE TO URGENT APPLICATION  
FOR EXTENSION OF TIME TO FILE EXPERT REPORT

Office of the Prosecutor

Mr. Peter Harrison  
Mr. Reginald Fynn

Defence Counsel for Issa Sesay

Mr. Wayne Jordash  
Ms. Sareta Ashraph

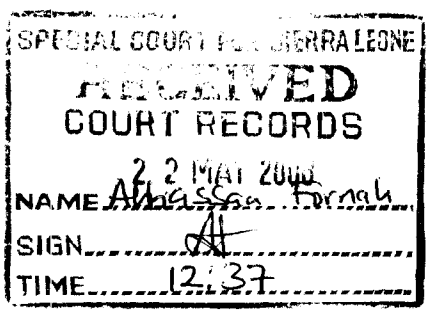
Defence Counsel for Morris Kallon

Mr. Charles Taku  
Mr. Kennedy Ogetto  
Ms. Tanoo Mylvaganam

Court-Appointed

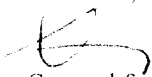
Counsel for Augustine Gbao

Mr. John Cammegh  
Mr. Scott Martin



1. On 30 April 2008, the Defence for the Third Accused, Augustine Gbao, filed a Request for leave to call four additional witnesses, including a military expert.<sup>1</sup> In its 19 May 2008 Decision, the Trial Chamber granted leave to the Defence for the Third Accused to call four additional witnesses, including the expert witness.<sup>2</sup> The Trial Chamber also ordered the Defence to disclose the expert report no later than 20 May 2008 at 4pm.<sup>3</sup>
2. On 20 May 2008, the Defence for the First and for the Third Accused requested that the deadline to file the expert report to be extended to Monday 26 May 2008.<sup>4</sup>
3. On 21 May 2008 the Prosecution filed its response.<sup>5</sup> The Prosecution does not oppose the request for extension of time, but requests the draft expert report to be disclosed forthwith.<sup>6</sup>
4. It is submitted that the proposal by the Prosecution to have disclosed the draft expert report is unprecedented and unhelpful. The draft report contains annotations and other incomplete observations. It will not assist the Prosecution or the parties to have this draft report.
5. In any event, should the extension of time be granted, the Prosecution would have the final expert report in 4 days. Taking into account the fact that the Expert Witness is not expected to testify before the middle of June, it is submitted that the Prosecution would not be prejudiced should the extension of time be granted and the Expert Report filed on Monday 26 May 2008. The Prosecution would have more than sufficient time to examine the Expert Report, and to prepare for cross-examination.
6. It is submitted that the Prosecution's proposal should be rejected, and that the Defence for the First and Third Accused should be allowed to file their Expert Report by Monday 26 May 2008.

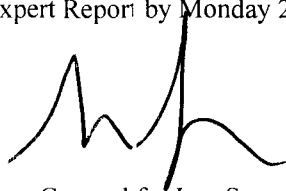
Freetown, 22 May 2008



Counsel for Augustine Gbao

☞ John Cammegh

☞ Scott Martin



Counsel for Issa Sesay

Wayne Jordash

Sareta Ashraph

<sup>1</sup> *Prosecutor v. Sesay, Kallon and Gbao*, SCSL Doc. No. SCSL-04-15-T-1107, Gbao Request for Leave to Call Four Additional Witnesses and for Order for Protective Measures, With Annex A, 30 April 2008.

<sup>2</sup> *Prosecutor v. Sesay, Kallon and Gbao*, SCSL Doc. No. SCSL-04-15-T-1127, Decision on Gbao-Request for Leave to Call Four Additional Witnesses and for Order for Protective Measures, With Annex A, 19 May 2008.

<sup>3</sup> *Ibid.*, further order (3).

<sup>4</sup> *Prosecutor v. Sesay, Kallon and Gbao*, SCSL Doc. No. SCSL-04-15-T-113, Gbao and Sesay – Urgent Application for Extension of Time to File Expert Report, 20 May 2008.

<sup>5</sup> *Prosecutor v. Sesay, Kallon and Gbao*, SCSL Doc. No. SCSL-04-15-T-1134, Prosecution Response to Gbao and Sesay – Urgent Application for Extension of Time to File Expert Report, 21 May 2008.

<sup>6</sup> *Ibid.*, para. 2.